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May 10, 2004

Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

VIA FACSIMILE  
AND U. S. MAIL

Re: Proposed Regulatory Action to Address General Plan Decisions  
May 13, 2004 Fair Political Practices Commission Meeting

Honorable Commission:

We have reviewed the staff report and recommendations regarding proposed regulations 18704.2 (directly/indirectly) and 18707.10 (public generally), which the Fair Political Practices Commission ("Commission") will consider at its May 13, 2004 meeting. This letter is to express San Diego County's ("County") support for the adoption of proposed regulation 18707.10 involving the "public generally" exception for comprehensive broad policy general plan decisions.

The "public generally" approach set forth in 18707.10, as outlined by the Commission staff, is reflective of the unique nature of comprehensive general plan amendments. Moreover, it also reflects the Commission's direction and comments to staff at your March 2004 meeting when this subject was discussed. As the County has stated before, this planning process is a step removed from any kind of development approval. The comprehensive nature of such a decision would apply to every property in the jurisdiction and, consequently, receives widespread public scrutiny. It is crucial that people who live in the area to be governed, the unincorporated area, have representation in this process. In the case of the County, that amounts to over one million people. Proposed regulation 18707.10 would substantially increase the ability of county counsels, city attorneys and other local government counsels to advise their

Honorable Commission

-2-

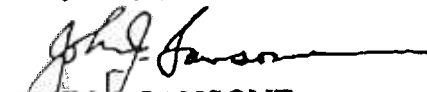
May 10, 2004

elected representatives with a significantly higher level of confidence that they could participate in the particular matter.

While we appreciate the arguments raised by staff in support of proposed regulation 18704.2, this option does not fully respond to the issue presented by the unique nature of comprehensive broad policy general plan decisions with which your Commission expressed concern at your March 2004 meeting. Moreover, this approach would continue to create uncertainty in the minds of public officials because of the potential for the rebuttal of the presumption of non-materiality. This will have the potential of causing many officials to abstain and thereby deprive the public of representation

I would like to take this opportunity to express my appreciation to the Commission and staff for all the hard work and consideration that you have given to this issue. The process that you have gone through was very open and gave the County, as well as all other interested parties, a very full and fair opportunity to be heard.

Very truly yours,



JOHN V. SANSONE  
County Counsel

JJS:vh:iec